

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Land Acquisition – Yeleru Reservoir Project – East Godavari District – Peddapuram Division – Yeleswaram (M), Kambalapalem (V) – Land acquired under Award No.3/89, dated.12-1-1989 for YRP – Land value enhanced in O.P.No.317/91 – Dismissed – Sanction of balance / final decretal charges – orders - issued.

IRRIGATION & CAD (PW.LA.I) DEPARTMENT

G.O.Rt. No :471

Date:7 .6.2008

Read the following:

1. From District Collector, East Godavari Dist, Kakinada.
Lr.No. G1/1833 /2005., Dt.17.1.2008
2. From the Spl.Chief Secretary to Govt & CCLA, A.P, Hyd
letter.No.SRP3/147/2008,dtd.4.4.2008

ORDER:-

In the references read above, it has been reported that an extent of Ac.20.08 Cents of land in S.No.604 etc.,situated in Yeleswaram Mandal of Kambalapalem village, was acquired under Award No.3/89 by the Spl.Dy.Collector(LA), YRP, Unit-3, Peddapuram on 12.1.89 duly fixing the land value @ Rs.20,640/- , Rs.18,000/-, and Rs.12,000/-, per acre for the land covered under acquisition. At the request of the aggrieved land owners covered with an extent of Ac.1.00 cts, for which LAO fixed the land value @ Rs.18,000/- per acre, the claims U/s 18 of L.A. Act were referred to the Civil Court. The Senior Civil Judge Court, Peddapuram after considering the reference pronounced decree and judgment in O.P.No.317/91, dated.15.11.99 enhancing the land value fixed by the LAO from Rs..18,000/ to Rs.50,000/- per acre and further ordered that the claimant is not entitled to any interest on solatium and Additional Market Value. Further, the claimant has filed E.P No.11.2000in above OP before the Senior Civil judge,Peddapuram for realization of decretal charges.

2. Aggrieved by the Lower Court orders, the State, Appeal was filed and the same was numbered as C.M.P.No.1728601 in ASSR.No.40100/01. The Hon'ble High Court of A.P., Hyd have dismissed the appeal at the admission stage even before condoning the delay of 490 days, since the enhancement was confirmed by the Court in several appeals.

3. The District Collector, East Godavari has requested the Government to sanction and release an amount of Rs.64,633/- towards balance/ final decretal amount to comply with the Hon'ble High Court orders in A.S.SR.No.40100/2001 against the orders in OP.No.317/91. The Spl.Chief Secretary to Government & CCLA, A.P, Hyderabad, has forwarded the proposal of the District Collector, East. Godavari District and recommended the Government to release the amount.

4. Government have examined the matter carefully and hereby accord sanction for an amount of Rs.64,633/- (Rupees Sixty Four thousand Six hundred and Thirty Three only) in respect of O.P.No.317/91 towards balance / final decretal amount to comply with the orders of Hon'ble High in A.S.S.R.No.40100/2001 filed against the orders in OP.No.317/91., subject to verification whether the reference under section 18 of the LA Act is made to the lower court after following all the guidelines/directions on the subject and in case it is detected that Sec.18 reference was made contrary to the rules/guidelines issued by the Government/CCLA, immediate action should be taken to recover the loss sustained by the Govt., from the staff concerned and filing of restitution petition and also subject to confirmation of the ENC (Irri), VYPP as to the extent of land acquired. Further, the Collector should verify the calculations made by the LAO/RDO once again thoroughly with reference to the decree and instructions issued by the Govt/CCLA on the subject from time to time before depositing the amount in Civil Court, duly deducting the Income Tax as per rules in force.

(P.T.O)

5. The amount sanctioned in para (4) above shall be debitable to “4701 - COL on Major & Medium Irrigation - 01 Major Irrigation (Commercial) - M.H. 116 Y.R. Scheme -G.H.11 Normal State Plan - S.H. (26) D&A Works - 530 Major Works - 532 Lands (Charged)”. In case the available budget provision is not sufficient to meet the present requirement, the expenditure may be met initially by way of advance from contingency fund subject to surrendering an equal amount from voted grant.

6. The District Collector, East Godavari, Kakinada is further directed to follow the directions issued by the Hon'ble High Court on 30.4.2007 in W.P.No.2181 of 2005 in disbursement of the above sanctioned decretal charges to the rightful claimants as was done in respect of O.P.No.317/91, under Yeleru Reservoir project for avoiding intervention of the middleman.

7. The Engineer-in-Chief, Irrigation, Hyderabad shall take necessary steps for release of L.O.C.

8. This order issues with the concurrence of Finance (Works & Projects) Department vide their U.O.No.2338/F.7(A1)/08-1, dt.21.5.2008.

(BY ORDER AND IN THE NAME OF THE GOVONER OF ANDHRA PRADESH)

SUTIRTHA BHATTACHARYA
SECRETARY TO GOVERNMENT

To,

The District Collector, East Godavari, Kakinada.

The Engineer-in-Chief (Irr), Erramanzil, Hyderabad.

The Special Chief Secretary Govt & CCLA, A.P, Hyderabad

The Revenue Divisional Officer, Peddapuram.

The Chief Engineer, VYPP Unit, Dowlaiswaram.

The Superintendent Engineer, YRPC Circle, Kakinada.

The Director of Works Accounts, Hyderabad.

The Joint Director of Works Accounts, Dowlaiswaram

The Accountant General, Andhra Pradesh, Hyderabad

Copy to Finance (W&P) Department

Copy to stock file/spare copies.

Copy in the file C.No.4133/L.A.I(2)/08

//FORWARDED :: BY ORDER //

SECTION OFFICER